

Notice of Allowability

Application No.

10/672,842

Examiner

Shelley Self

Applicant(s)

BRODERSEN, KELVIN CRAIG

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/23/05.
2. ☒ The allowed claim(s) is/are 1-54.
3. ☒ The drawings filed on 26 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

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DETAILED ACTION

Response to Amendment

The amendment filed on June 23, 2005 under 37 CFR 1.116 is sufficient to overcome the prior art reference.

Election/Restrictions

Claims 1, 13, 30, 39 and 48 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is whereby withdrawn and claims 16, 20, 26-29, 36-38, 45-47, 50, 53 and 54 directed to the species of Figures 11-17 and 19-21 are no longer withdrawn from consideration since all of the claims to the species depend from or otherwise include each of the limitations of an allowed generic claim.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

As a result of the rejoining of previously withdrawn claims resulting from an election/restriction requirement (8/23/04), an Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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The Attorney of Record, George Rondeau in a telephonic interview on Wednesday July 6, 2005, authorized the Examiner's amendment.

The application has been amended as follows:

- Claim 26, lines 3 and 6, following the term spur, deleted "*arm*" and inserted **-bar—**
- Claim 26, line 11 deleted "*arm*" inserted **-bar—**
- Claim 29, line 3 following the term, spur, deleted "*arm*" and inserted **-bar—**
- Claim 36, lines 3 and 6 following the term, spur deleted "*arm*" and inserted **-bar—**
- Claim 36, line 11 deleted "*arm*" inserted **-bar—**
- Claim 38, line 3, following the term spur, deleted "*arm*" and inserted **-bar—**
- Claim 45, lines 3, 6 and 11 deleted the term, "anchor arm" and replaced with **-spur bar—**
- Claim 47, line 3 deleted the term, "*anchor arm*" and replaced with **-spur bar—**
- Claim 50, line 1 following the term "*claim 48*", inserted a space **-48 wherein—**
- Claim 53, lines 3, 5-6 and 10 following the term spur deleted "*arm*" and inserted **-bar—**

Allowable Subject Matter

Claims 1-54 are allowable over the prior art of record.

The following is an Examiner's statement of reasons for allowance: As noted in the previous Office Action, the prior art of record does not disclose or fairly suggest a bending jack comprising a *spur head portion positioned above and away from the spur bar* or a *spur head*

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projecting in a second direction in combination with the rest of the claimed limitations as set forth in claims 1, 13, 30 and 39.

Further the prior art of record does not disclose or fairly suggest a bending jack comprising a push arm having elongated spaced apart first and second push arm members, the first and second push arm member defining a space there between and *each having a first end portion and a second end portion*, the spur bar being positioned at least partially within the space between the first and second push arm members, and the first and second push arm members being arranged to guide and limit lateral movement of the spur bar when the jack is in use in combination with the rest of the claimed limitations as set forth in claim 48.

As noted in the previous Office Action, Tomcheck discloses a bending jack having a handle (11), push arm (15), spur (12), and spur head (12'). Tomcheck further discloses the spur head to be positioned below the push arm and not above or projecting in a second direction as set forth in claims 1, 13, 30 and 39. Additionally, Tomcheck is silent to any stopping means for limiting movement/rotation of the push arm as set forth in the claims.

Additionally, Tomcheck discloses a push arm having a single elongated push member and does not disclose or fairly suggest the first and second spaced apart push arm members as set forth in claim 48. Accordingly, Tomcheck fails to anticipate or render obvious the claimed invention.

Neither the prior art of record, nor any combination thereof discloses the claimed invention as set forth in claims 1, 13, 30, 39 and 48. Therefore claims 1-54 contain allowable subject matter over the prior art of record and are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIE or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

July 6, 2005


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700